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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 ARDELL JOSHUA SHAW  
10 Plaintiff,

11 v.

12 KAREN BRUNSON *et al.*,  
13 Defendants.

Case No. C08-5481BHS/JKA

ORDER DENYING PLAINTIFF'S  
MOTION TO AMEND THE  
COMPLAINT

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15 This civil rights matter has been referred to Magistrate Judge J. Kelley Arnold pursuant to 28  
16 U.S.C. § 636(b)(1), and Local Magistrate Judge's Rules MJR 3 and 4. Before the court is plaintiff's  
17 motion to amend the complaint. Plaintiff asks the court to allow him to drop the named defendants and  
18 instead name the State of Washington and the Department of Corrections as defendants.

19 While plaintiff brings the motion pursuant to Fed. Rule. Civil Procedure 15 (A), the defendants  
20 have answered the complaint and that section of Rule 15 is no longer applicable. Further, the parties  
21 plaintiff seeks to add to this action are immune from damages in Federal Court pursuant to the Eleventh  
22 Amendment. In addition, plaintiff has not provided a copy of the proposed amended complaint. The  
23 motion is **DENIED**.

24 The clerk's office is directed to send a copy of this order to plaintiff and remove Dkt. # 12 from  
25 the court's calendar.

26 DATED this 14 day of January, 2009.

27 /S/ J. Kelley Arnold  
28 J. Kelley Arnold  
United States Magistrate Judge